Pavid Rucker P-29892 P.O. Box 689 DW-113U Boledad, CA 93960

FILED

08 JUN -9 PM 2: 38

RICHARD W. WIEKING CLERK. U.S. DISTRICT COURT COURT COURT COURT COURT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

David Rucker, et.al Plaintiff v.

Defendant

Ben Curry, Warden

No. CO8-1497JSW (PR)
REQUEST FOR THE COURT TO RECONSIDER
DISMISSAL OF 1983 CIVIL RIGHTS ACTION;

NOTICE OF APPEAL;

REQUEST FOR CERTIFICATE OF APPEALABILITY;

To the United States District Court For The Northern District Of California:

Plaintiff, a California prisoner, filed this pro se civil rights complaint under 42 U.S.C. §1983. The court on May 8, 2008, because of procedural problems ordered the "Dismissal Of The Complaint With Leave To Amend" for plaintiff Rucker. The court gave plaintiff 30 days from the date the order was filed.

Because plaintiff is not a licensed attorney, plaintiff filed a motion asking the court for some "Clarification" and "Appointment of Counsel" on May 14, and 19,2008. On May 28, 2008 the court ordered the dismissal of the motions for "Clarification" and "Appointment of Counsel". In the court's order the judge states that the plaintiff did not intend to cure the deficiencies in the complaint, so the court dismissed plaintiffs complaint.

The plaintiff's lack of legal knowledge to express his intentions in writing has obviously confused the court.

Plaintiff was only petitioning the court to let it know that

3

5

2

6 7

8

9

.11

12

13 14

15

16

17

18 19

20

21

22

24

25

26

27

28

1 as Chairman of the institution's Men's Advisory Council he represents the General Population here at CTF-Central Facility, Soledad State Prison, and as such, it was necessary for the complaint to be recognized as a class action. (see motion for Clarification dated May 14, 2008) Plaintiff never meant to give the court the impression that he would not comply with the courts order to amend the complaint. Plaintiff has done this, but because of his lack of legal knowledge was waiting on the courts response to his motion For Clarification.

Plaintiff would like the court to notice that he has payed the filing fee, and that he has never exceeded the 30 days that was given by the court to amend the complaint. Plaintiff is attaching the amended complaint, with all signatures removed but his own.

Plaintiff request the court, if it decides not to reconsider its dismissal of the 1983 Civil complaint to allow this to act as a request for Notice Of Appeal, and Certificate Of Appealability.

Plaintiff would like to apologize to the court for not being more clear of his intentions. In the future the plaintiff will not fail to comply with the courts direct orders.

Date: June 5, 2008

Plaintiff, Pro-Se

26

2

3

5

6

7

8

9

10

-11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

27

28

PROOF OF SERVICE BY MAIL BY PERSON IN STATE CUSTODY

(C.C.P. 99 1013)	(A), 2015,5)
I,David Rucker	, declare:
I am over 18 years of age and I am	party to this action. I am a
resident of CORRECTIONAL TRAINING	FACILITY prison, in the County
of Monterrey, State of California.	
David Rucker CORRECTIONAL TRAINING FAMOR SOLEDAD, CA 93960-0689	, CDCR #: P-29892 ACILITY D-Wing 113U
	, I served the attached:
Notice of Appeal, Request for Cert	
Request for the Court to Reconsider I Copy of Amended Complaint	Dismissal of 1983 Civil Rights Action
on the parties herein by placing tr	rue and correct copies
thereof, enclosed in a sealed envel	lope (verified by prison
staff), with postage thereon fully	
Mail in a deposit box so provided a	
in which I am presently confined.	The envelope was addressed as
follows:	•
UNITED STATES DISTRICT FOR THE NORTHERN DISTRICT 450 Golden Gate Avenue San Francisco, Californi	OF CALIFORNIA
I declare under penalty of per State of California that the forego Executed on _June 5, 2008	
	David Rucker
	Declarant